



State of California—Health and Human Services Agency
California Department of Public Health



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Director and State Public Health Officer

EDMUND G. BROWN JR.
Governor

June 13, 2016

AFL 16-07

TO: General Acute Care Hospital
Acute Psychiatric Hospital
Skilled Nursing Facility
Intermediate Care Facility

SUBJECT: Program Flexibility Letter Recall

AUTHORITY: Title 22 California Code of Regulations (CCR) sections 70129, 71127, 72213, and 73227

All Facilities Letter (AFL) Summary

This AFL recalls the December 13, 1985 letter issued by the Department of Health Services (DHS) authorizing blanket program flexibility for certain regulations.

This AFL recalls the Department of Health Services (DHS) letter dated December 13, 1985, authorizing blanket program flexibility for:

- Bacteriological testing of ice machines (CCR 70865)
- Disposal of needles and syringes (Title 22 CCR sections 70843(c), 71647(c), 72643(c), and 73641(c))
- Pathological review of all surgically removed tissue (Title 22 CCR section 70223(g))
- Disposable humidifiers (Title 22 CCR sections 70849(f), 71653(a), and 72313(d))
- Training bed (Title 22 CCR sections 72607(d) and 73609(d)), and
- Closure of patient records (Title 22 CCR section 72543).

The 1985 letter was issued prior to guidance from the Office of Administrative Law stating that all rules of general application must be adopted pursuant to the California Administrative Procedure Act. Facilities must maintain compliance with the licensing requirements.

These requirements do not prohibit the use of alternate concepts, methods, procedures, techniques, equipment, personnel qualifications or the conducting of pilot projects, provided such expectations are carried out with the provisions for safe and adequate care, and with the prior written approval of the department. Facilities seeking program flexibility for the aforementioned regulations may request program flexibility by submitting a written request and substantiating evidence to the local California Department of Public Health Licensing and Certification district office.

If you have questions, please contact your local district office.

Sincerely,

Original signed by Jean lacino

Jean lacino
Deputy Director